Amendments to the Drawings:

Attached hereto are replacement sheets of Figures 1, 2 and 3.

In Figure 1, the terms "VC4A" in block 14 have been replaced by --VC4D'--.

In Figures 2 and 3, the terms "VC4A" in block 14 have been replaced by --VC4D--.

REMARKS

The Examiner's action dated November 19, 2004, has been received, and its contents carefully noted.

The indication of allowability of claims 6, 8, 14 and 15 is noted with appreciation. In order to advance prosecution, each of those claims has been placed in independent form, and is therefore believed to now be *prima facie* allowable.

To further define the contribution of the invention over the prior art, new claims 16-26 have been added.

Claims 1-26 are pending.

In response to the drawing objection presented in section 1 of the Action, submitted herewith are replacement sheets containing Figures 1, 2 and 3. These replacement sheets contain the corrections suggested by the Examiner.

In response to the objections to the Specification, the Specification has been amended to eliminate the informalities noted, and to adopt the suggestions made by the Examiner, with the exception of the revision suggested in section 2(b) of the Action. The original notation "VC4-4c" was correct and identifies a concatenated data stream. The Specification has been amended to clarify this fact.

In response to the claim objections presented in section 3 of the Action, the claims have been amended in the manner suggested by the Examiner.

Accordingly, it is requested that the objections to the drawings, the Specification and the claims be reconsidered and withdrawn.

The rejection of claim 1 as anticipated by Park is respectfully traversed.

The background description of the Park reference discloses a three-stage cross-connect switching system used

for rearranging data streams, such as in a SDH network environment. The portions of the reference specification cited in support of the rejection relate to a so-called SNCP service. At column 2, lines 12 - 29, Park defines the SNCP service as SubNetwork Connection Protection. Therefore the features described in the text portions of col.12, cited by the Examiner, are features necessary for data stream protection: a) splitting (copying) a data stream at a splitting point and b) merging the data stream at a merging point upon comparing the split (copied) portions.

Claim 1 of the present application is not directed to handling/switching protected data streams. Rather, claim 1 clearly states that the purpose is to switch from a basic data stream to a copied data stream. However, as defined in claim 1, the copied stream is obtained by bridging the basic stream at a first network node, and performing the switching at a second node that receives both streams from the first node. The switching method is thereby smooth (hitless).

The switching at the second node is characterized in that the copied data stream is always picked out, without comparing it with the basic stream, just upon performing an operation of delay equalization therebetween.

It is submitted that the claimed method of switching from a basic data stream to a copied data stream, performed at a node remote from the node where the copy is produced and upon delay equalization, is not disclosed by Park, so that claim 1 defines patentably thereover.

Furthermore, claim 1 recites "performing an operation of delay equalization" at the second network node. In the explanation of the rejection of claims 5 and 13, the Examiner acknowledges that Park fails to disclose delay equalizing means at the second node. If Park fails to disclose delay

equalizing means, then, inevitably, that reference fails to disclose an operation of delay equalization. In other words, by the Examiner's admission, Park fails to anticipate claim 1.

The rejection presented in Section 7 of the action is also respectfully traversed.

Claim 9 is a system claim that includes the same substantive limitations as claim 1. It has been pointed out above, with reference to Park, that the present invention does not relate to switching protected data streams but rather invloves picking the copied stream and claim 9 specifies that the network management block drops the basic data stream at the second node.

In the explanation of the rejection, it is acknowledged that Park fails to disclose a network management block and it is alleged that Chang discloses such a component.

Chang discloses, with reference to Fig. 11, an IP traffic switching system, utilizing MUXing and DeMuxing of signals transmitted via multiple optical wavelengths, and comprising routers. The system shown in Fig. 11 of the Chang reference is very far from the method/system according to the present invention for transmitting data streams/fragments in different time slots.

It appears that the two applied references are directed to entirely different problems and solutions, which clearly suggests that no logical basis exists for the conclusion that it would somehow be obvious to combine their teachings in any particular way.

Indeed, the only rationale offered for in the explanation of the rejection is that such a combination would produce significant improvements! This rationale, by itself, is clearly indicative of unobviousness.

It is a basic rule of patent examination that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings. MPEP §2142. The fact that such a combination will produce improvements is insufficient and, by itself, evidence of patentability. The Examiner has cited no evidence of any prior art knowledge that such a combination would produce the stated advantages, and thus no evidence of a suggestion or motivation to do so.

Indeed, in view of the significant differences between the procedures disclosed in the two references, it would clearly appear that the network management of Chang could not possibly control the operation of the Park system.

It is therefore submitted that the action has not established a *prima facie* case of obviousness, so that this rejection must be withdrawn.

Claim 9 further defines patentably over the prior art by reciting "delay equalizing means". The Examiner has not asserted that the applied references disclose such means. Indeed, these means are not even mentioned in the explanation of the rejection.

In point of fact, Chang does not disclose "delay equalizing means". Therefore, the rejection cannot be maintained in view of the further basic rule of patent examination that the prior art references must teach or suggest all the claim limitations. MPEP §2142.

Claims 11-13 should be allowed at least in view of their dependency from claim 9.

In section 7(d) the Examiner asserts that Claims 5 and 13 are obvious in view of Park and Chang. Claim 5 depends from claim 2, which, in turn, depends from claim 1. Therefore,

claim 5 should allowable at least in view of its dependency from claim 1.

Furthermore, claim 5 should be considered allowable because, for reasons set forth above, there is no basis for concluding that it would be obvious to combine the teachings of the applied references in any particular manner.

The rejection of claim 5 is based in part on the assertion that Chang discloses delay equalization means. As already pointed out above, a disclosure of such means has not been found in the Chang reference. Since the IP networks mentioned by Chang usually transmit data which is not critical to time delays, it is understandable that Chang does not describe delay equalizing means.

It must also be pointed out that there is an internal inconsistency between the rejection of claim 5 and the rejection of claim 2. Specifically, claim 5 depends from claim 2 and is thus more limited than claim 2. However, claim 2 has been rejected as unpatentable over Park, Chang and Yoshida, while the narrower dependent claim 5 was rejected as unpatentable over only Park and Chang. If Yoshida was needed to support the rejection of claim 2, it must have been equally needed to support the rejection of claim 5.

In section 8 of the OA, the Examiner refers to Yoshida (US patent 6,034,974) in combination with the above-mentioned two US patents to Park and Chang to reject Claims 2-4, 7 and 10 as being obvious.

Here again, claims 2-4 and 7 depend from claim 1 and claim 10 depends from claim 9, and should therefore be considered allowable along therewith.

In support of this rejection, the Examiner contends that Chang explicitly discloses "…said copy data stream constitutes a copy fragment occupying <u>one of said vacant time slots</u>…",

citing the abstract and Fig. 3B. The Applicant has failed to find such a description therein. Contrary to that, Chang uses different channels (not time slots), and makes it for survivability and security - not for rearranging/switching of data streams.

The solution of Yoshida has the same purpose as the solutions of Park and Chang: col. 1, lines 55-62 describes the protection principle, where the second (standby STB) line is used when the active (ACT) line fails.

None of the cited references or their combination comprises the feature claimed in the method claim 2 and in the system claim 10, i.e. <u>rearrangement of</u> an <u>incoming data stream</u> <u>by switching data stream fragment(s) to copies thereof</u> at a second node, upon passing via a communication link. Moreover, none of the cited references discloses the technology of <u>using</u> <u>vacant time slots in the original data stream,</u> as claimed in the original Claim 2.

The Examiner contends that such an operation is obvious to those skilled in the art. In response to that, the Applicant would point out the following fact: the proposed solution for rearrangement of data streams was neither described nor used by the time of the present invention. That confirms non-obviousness of the solution.

Moreover, the reasons advanced by the Examiner to establish the "obviousness" of the claimed subject matter are not sufficient to establish a case of *prima facie* obviousness, for reasons set for earlier herein.

In response to the indication of allowability in Section 9 of the OA, allowable claims 6, 8, and 14 and 15 have been placed in independent form and include all limitations of the preceding original claims.

New independent method claim 16 is added, being parallel to the amended system claim 14. Support for claim 16 is found in Claim 14 and in the original specification at page 12, lines 22-25 and page 21 lines 11-16. New dependent claims 17-26 are analogous to the original claims 3, 4 11, 12. The added claims 17-26 depend from the amended claims 6, 8, 14, 15 and the new claim 16.
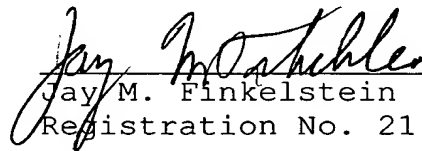
In view of the foregoing, it is submitted that all of the pending claims define patentably over the applied references and it is requested that all of the objections and rejections of record be reconsidered and withdrawn and that the Application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By _____
Jay M. Finkelstein
Registration No. 21,082

JMF:dtb
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\E\eci\Yehuda 2\PTO\AMD 15FEB05.doc